

United States District Court
Northern District of Texas
Amarillo Division

SPECTRUM WT, *et al.*,

Plaintiffs,

v.

WALTER WENDLER, *et al.*,

Defendants.

Case 2:23-cv-00048-Z

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

SPECTRUM WT, <i>et al.</i> ,	§	
	§	
Plaintiffs,	§	CIVIL ACTION
	§	NO. 2:23-CV-048-Z
	§	
V.	§	
	§	
WALTER WENDLER, <i>et al.</i>	§	
	§	
Defendants.	§	
STATE OF TEXAS	§	
RANDALL COUNTY	§	

DECLARATION OF DR. CHRISTOPHER (“CHRIS”) J. THOMAS

Pursuant to 28 U.S.C. § 1746, I, Chris Thomas, declare the following:

1. My name is Chris Thomas. I am over eighteen (18) years of age and competent to make the following statement. The facts stated in this declaration are within my personal knowledge and are true and correct.

2. I am the Vice President for Student Affairs for West Texas A&M University (“WT”). In my role as Vice President for Student Affairs for WT, I report directly to the president of West Texas A&M University and am responsible for managing the Division of Student Affairs. The Division of Student Affairs is responsible for oversight and management of all matters related to student issues and affairs, activities, housing, and student rights and responsibilities on campus. I have served in this role since December 2022.

3. WT (formerly known as West Texas State University) is a public institution of higher education that is part of The Texas A&M University System (“A&M System”). The President at WT is responsible for the approval of all WT rules and procedures, management and direction of all of its staff and faculty, and acts as the chief executive officer of the university. The President does not report directly to any other employee or official of WT. Walter Wendler has served as president of WT since 2016.

4. On March 20, 2023, President Walter Wendler met with all vice presidents, including myself, in the morning to inform them that he planned to cancel an upcoming on-campus drag show event called “A Fool’s Drag Race,” which was scheduled to be held at Legacy Hall and hosted by the student organization Spectrum WT. President Wendler informed us that this was his decision based on his belief that the event would discriminate against women based on sex.

5. Later that afternoon, I met with Barrett Bright, the student organizer for Spectrum WT, in my office to inform him of President Wendler’s decision to cancel the event (the “Event Cancellation”). I informed him this Event Cancellation was not my decision or anyone else at WT’s other than President Wendler. In my role as Vice President of for Student Affairs for WT, I do not have the authority to overrule any decision by the president of the university.

6. Following the Event Cancellation, Spectrum WT rescheduled their drag show to be an off-campus event, which was held on Friday, March 31, 2023, at Sam Houston Park in Amarillo.

7. Spectrum WT has been allowed to reserve and use WT facilities for practices, events and other activities since the Event Cancellation, including:

- a. Spectrum WT reserved and used a room in the Virgil Henson Activities Center for drag show practice on March 28, 2023.
- b. Spectrum WT reserved space on the on-campus lawn area to protest the Event Cancellation on March 31, 2023.
- c. Spectrum WT co-sponsored a Carni-Ball event with WT's Residence Hall Association which was held at the Jack B. Kelley Student Center on April 28, 2023.

8. Spectrum WT also has recently applied for and reserved use of campus facilities to host a showing of the motion picture *The Rocky Horror Picture Show* on October 31, 2023 (“Halloween Movie Night”), as well as to host another drag show to benefit the Trevor Project on March 22, 2024 (“2024 Drag Show”).

9. Spectrum WT has hosted on-campus “movie night” events since at least 2010, and the upcoming Halloween Movie Night does not appear to require a risk assessment at this time based on the information provided by the student organization. The 2024 Drag Show is scheduled to be held on-campus in Spring 2024 pending completion of a standard risk assessment based on the student organization’s self-disclosure of risk of physical injury to participants due to dancing.

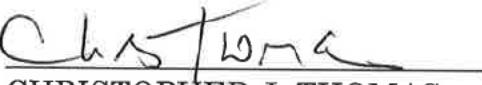
10. Risk assessment is the university’s process of identifying, assessing and managing risk of accidents, injuries, damage and/or death to person or property, based on insurance coverage, fire safety, security needs and other considerations.

The Risk Management Office is in charge of administering a risk assessment for any scheduled campus event or activity that involves some risk of loss exposure to the university.

11. The Risk Management Office will perform the risk assessment for the 2024 Drag Show as it gets closer to the time of the event. This generally occurs within 30 days of the scheduled event. I am not aware of any reason either of the two upcoming events will not be permitted to be held on-campus. The Risk Management Office does not differentiate between types of events nor does it evaluate event content other than for safety or security reasons.

12. I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 7, 2023.


CHRISTOPHER J. THOMAS